

# **EXHIBIT 1**

September 26, 2019

**VIA UPS**

The Honorable William P. Barr  
Attorney General of the United States  
United States Department of Justice  
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**Re: Notice Pursuant to 28 U.S.C. § 1715 of Proposed Amended Settlement in *In re: Cathode Ray Tube (CRT) Antitrust Litig.*, MDL No. 1917, Case No. 4:07-cv-05944-JST (N.D. Cal.)**

Dear Attorney General Barr:

I represent Toshiba Corporation, Toshiba America, Inc., Toshiba America Electronic Components, Inc., Toshiba America Consumer Products, L.L.C., and Toshiba America Information Systems, Inc. (collectively, the “Toshiba Defendants”) in the matter *In re: Cathode Ray Tube (CRT) Antitrust Litigation*, MDL No. 1917, Case No. 4:07-cv-05944-JST, pending in the United States District Court for the Northern District of California before the Honorable Judge Jon S. Tigar.

In accordance with a provision of the Class Action Fairness Act of 2005 (“CAFA”), 28 U.S.C. § 1715, the Toshiba Defendants hereby serve upon you notice of a proposed amended settlement in this matter with the 22 state classes of Indirect Purchaser Plaintiffs (“IPPs”). The Toshiba Defendants previously sent notice of an original proposed settlement with the IPPs in this matter in a letter dated June 5, 2015. *See also* Toshiba Defs.’ Notice of Compliance with 28 U.S.C. § 1715, Dkt. No. 3865, filed on June 5, 2015.

The enclosed compact disk contains Attachments A-T referenced below.

**28 U.S.C. § 1715(b)(1): Complaints and Amended Complaints**

Pursuant to 28 U.S.C. § 1715(b)(1), the Toshiba Defendants enclose the following complaints:

- IPPs’ Consolidated Amended Complaint (Dkt. No. 437, filed on March 16, 2009) (Attachment A);
- IPPs’ Second Consolidated Amended Complaint (Dkt. No. 716, filed on May 10, 2010) (Attachment B);

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- IPPs' Third Consolidated Amended Complaint (Dkt. No. 827, filed on December 11, 2010) (Attachment C);
- IPPs' Fourth Consolidated Amended Complaint (Dkt. No. 1526, filed on January 10, 2013) (Attachment D); and
- IPPs' Fifth Consolidated Amended Complaint (Dkt. No. 5589, filed on September 19, 2019) (Attachment E).

#### **28 U.S.C. § 1715(b)(2): Notice of Hearing**

Pursuant to 28 U.S.C. § 1715(b)(2), the Toshiba Defendants provide notice that a hearing to consider the IPPs' Motion Pursuant to Ninth Circuit Mandate to Reconsider and Amend Final Approval Order, Final Judgment and Fee Order (Dkt. No. 5587, filed on September 16, 2019) is scheduled for October 23, 2019, at 2:00 p.m. PDT before the Honorable Jon S. Tigar, United States District Judge for the Northern District of California, in Courtroom 6, 2nd Floor, located at 1301 Clay Street, Oakland, California.

#### **28 U.S.C. § 1715(b)(3): Proposed Notifications to Class Members**

Pursuant to 28 U.S.C. § 1715(b)(3), the Toshiba Defendants enclose the following declaration, which attaches the proposed notifications to class members:

- Declaration of Joseph M. Fischer Regarding Amendments to the Settlements (Dkt. No. 5587-2, filed on September 16, 2019) ("Fischer Declaration") (Attachment F), including:
  - Ex. A to Fischer Declaration: Proposed Postcard Notice (Dkt. No. 5587-2);
  - Ex. B to Fischer Declaration: Proposed Email Notice (Dkt. No. 5587-2); and
  - Ex. C to Fischer Declaration: Proposed Detailed Notice (Dkt. No. 5587-2).

As explained in the proposed notifications, class members were previously notified of the settlement and provided an opportunity to request exclusion from the class action, and no further opportunity is contemplated as a result of the amendment to the settlement.

#### **28 U.S.C. § 1715(b)(4): Proposed Settlement**

Pursuant to 28 U.S.C. § 1715(b)(4), the Toshiba Defendants enclose the following proposed settlement documents and corresponding materials:

- IPPs' Notice of Motion and Motion for Preliminary Approval of Class Action Settlements with the Philips, Panasonic, Hitachi, Toshiba, and Samsung SDI Defendants (Dkt. No. 3861, filed on May 29, 2015) (Attachment G);

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- Declaration of Mario N. Alioto in Support of IPPs' Motion for Preliminary Approval of Class Action Settlements with the Philips, Panasonic, Hitachi, Toshiba, and Samsung SDI Defendants (Dkt. No. 3862, filed on May 29, 2015) (Attachment H), including:
  - Ex. D to Alioto Declaration: Settlement Agreement with Toshiba (Dkt. No. 3862-4);
- IPPs' Motion Pursuant to Ninth Circuit Mandate to Reconsider and Amend Final Approval Order, Final Judgment and Fee Order (Dkt. No. 5587, filed on September 16, 2019) (Attachment I);
- Declaration of Mario N. Alioto in Support of IPPs' Motion Pursuant to Ninth Circuit Mandate to Reconsider and Amend Final Approval Order, Final Judgment and Fee Order (Dkt. No. 5587-1, filed on September 16, 2019) (Attachment J), including:
  - Ex. D to Alioto Declaration: Amendment to Settlement Agreement with Toshiba (Dkt. No. 5587-1); and
- Proposed Order Regarding Amended Settlements, Authorizing Supplemental Notice and Setting Schedule (Dkt. No. 5587-3, filed on September 16, 2019) (Attachment K), including:
  - Ex. A to Proposed Order: Proposed Postcard Notice (Dkt. No. 5587-3);
  - Ex. B to Proposed Order: Proposed Email Notice (Dkt. No. 5587-3); and
  - Ex. C to Proposed Order: Proposed Detailed Notice (Dkt. No. 5587-3).

#### **28 U.S.C. § 1715(b)(5): Other Contemporaneous Agreements**

Other than the settlement agreement and the amendment to that settlement agreement made between the Toshiba Defendants and the IPPs, no agreements were contemporaneously made between counsel for the Toshiba Defendants and counsel for the IPPs.

#### **28 U.S.C. § 1715(b)(6): Final Judgments**

Pursuant to 28 U.S.C. § 1715(b)(6), the Toshiba Defendants enclose the following final judgment of dismissal related to the Toshiba Defendants' proposed settlement with the IPPs:

- Final Judgment of Dismissal with Prejudice as to the Philips, Panasonic, Hitachi, Toshiba, Samsung SDI, Thomson, and TDA Defendants (Dkt. No. 4717, filed on July 14, 2016) (Attachment L).

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Additionally, the following final judgments and/or notices of dismissal have also been filed in this action:

- Final Judgment of Dismissal with Prejudice as to Chunghwa Picture Tubes, Ltd. and Chunghwa Picture Tubes (Malaysia) Sdn Bhd. (Dkt. No. 1106, filed on March 22, 2012) (Attachment M);
- Stipulation of Dismissal and Order Re: Toshiba America, Inc. (Dkt. No. 1311, filed on August 10, 2012) (Attachment N);
- Stipulation and Order of Dismissal of Defendants Samsung Electronics Company, Ltd. and Samsung Electronics America, Inc. (Dkt. No. 1596, filed on March 13, 2013) (Attachment O); and
- Final Judgment of Dismissal with Prejudice as to LG Electronics Inc.; LG Electronics USA, Inc.; and LG Electronics Taiwan Taipei Co., Ltd. (Dkt. No. 2543, filed on April 18, 2014) (Attachment P).

### **28 U.S.C. § 1715(b)(7): Class Members**

CAFA requires a settling defendant to provide “if feasible, the names of class members who reside in each State and the estimated proportionate share of the claims of such members to the entire settlement to that State’s appropriate State official.” 28 U.S.C. § 1715(b)(7)(A). If compliance with 28 U.S.C. § 1715(b)(7)(A) is not feasible, the settling defendant must provide “a reasonable estimate of the number of class members residing in each State and the estimated proportionate share of the claims of such members to the entire settlement.” 28 U.S.C. § 1715(b)(7)(B). Here, it is not feasible for the Toshiba Defendants to comply with 28 U.S.C. § 1715(b)(7)(A) and difficult for the Toshiba Defendants to provide a “reasonable estimate” under 28 U.S.C. § 1715(b)(7)(B). Nevertheless, pursuant to 28 U.S.C. § 1715(b)(7)(B), the Toshiba Defendants provide the following table that estimates the proportionate share of the claims of class members residing in each state included in the amended settlement, based on available figures reported by the U.S. Census Bureau. The class period encompasses 1995 to 2007 and, for comparison purposes, the table below utilizes U.S. Census Bureau population data for both 2000 and 2018.

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State	<u>2000</u>		<u>2018</u>	
	State Population <sup>1</sup>	Estimated Share of Settlement	Estimated State Population <sup>2</sup>	Estimated Share of Settlement
Arizona	5,130,632	3.98%	7,171,646	4.79%
California	33,871,648	26.30%	39,557,045	26.41%
District of Columbia	572,059	0.44%	702,455	0.47%
Florida	15,982,378	12.41%	21,299,325	14.22%
Hawaii	1,211,537	0.94%	1,420,491	0.95%
Iowa	2,926,324	2.27%	3,156,145	2.11%
Kansas	2,688,418	2.09%	2,911,505	1.94%
Maine	1,274,923	0.99%	1,338,404	0.89%
Michigan	9,938,444	7.72%	9,995,915	6.67%
Minnesota	4,919,479	3.82%	5,611,179	3.75%
Mississippi	2,844,658	2.21%	2,986,530	1.99%
Nebraska	1,711,263	1.33%	1,929,268	1.29%
Nevada	1,998,257	1.55%	3,034,392	2.03%
New Mexico	1,819,046	1.41%	2,095,428	1.40%
New York	18,976,457	14.74%	19,542,209	13.05%
North Carolina	8,049,313	6.25%	10,383,620	6.93%
North Dakota	642,200	0.50%	760,077	0.51%
South Dakota	754,844	0.59%	882,235	0.59%
Tennessee	5,689,283	4.42%	6,770,010	4.52%
Vermont	608,827	0.47%	626,299	0.42%
West Virginia	1,808,344	1.40%	1,805,832	1.21%
Wisconsin	5,363,675	4.16%	5,813,568	3.88%
<b>Total</b>	<b>128,782,009</b>	<b>100.00%</b>	<b>149,793,578</b>	<b>100.00%</b>

## 28 U.S.C. § 1715(b)(8): Judicial Opinions

Pursuant to 28 U.S.C. § 1715(b)(8), the Toshiba Defendants enclose the following written judicial opinions issued in this action relating to the materials described in 28 U.S.C. §§ 1715(b)(3) through 1715(b)(6):

- Amended Order Granting Preliminary Approval of Class Action Settlements with the Philips, Panasonic, Hitachi, Toshiba, Samsung SDI, Thomson and TDA Defendants (Dkt No. 3906, filed on July 9, 2015) (Attachment Q);

<sup>1</sup> 2000 state population metrics based on U.S. government census data, available at <https://www.census.gov/population/www/cen2000/maps/respop.html>.

<sup>2</sup> 2018 estimated state population metrics based on U.S. government population estimates, available at <https://www.census.gov/newsroom/press-kits/2018/pop-estimates-national-state.html>.

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- Order Granting Final Approval of Indirect Purchaser Settlements (Dkt. No. 4712, filed on July 7, 2016) (Attachment R);
- Order on Attorneys' Fees, Expenses, and Incentive Awards Regarding Indirect Purchaser Plaintiff Settlements (Dkt. No. 4740, filed on August 3, 2016) (Attachment S); and
- Order of the Ninth Circuit in *In re: Indirect Purchaser Plaintiffs v. Toshiba Corp., et al.*, No. 16-16368 (9th Cir. Feb. 13, 2019), Dkt. No. 238 (Attachment T).

I trust that you find this Notice appropriate and complete. If you have any questions, please do not hesitate to contact me.

Sincerely,



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Enclosure